UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,570	07/24/2001	Roberto DeLima	RSW9-2000-0124-US1	5486

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EXAMINER
PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/912,570	DELIMA ET AL.
	Examiner	**Art Unit**	
	Hassan Phillips	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 March 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-6 and 8-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3-6 and 8-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to communications filed on March 2, 2006.

Response to Arguments

2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3-5, 8-12, 14, 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Colby et al. (hereinafter Colby), U.S. Patent 6,006,264 (supplied by applicant), in view of Reichmeyer et al. (hereinafter Reichmeyer), U.S. Patent 6,286,038.

5. In considering claims 1, 10, and 12, Colby teaches a method, computer readable product embedded on a computer readable media, and apparatus for performing load balancing of client requests among a plurality of servers (100a-c and 120a-b), the method, computer readable product, and apparatus comprising: for each

one of the plurality of servers, storing in a local memory a configuration file containing

parameters including content based rules pertaining to the server to be applied for

configuring a load balancing scheme for a plurality of servers that include the server,

wherein each of the configuration files is accessible to a load balancer (110), (col. 6,

lines 36-67, col. 7, lines 1-19); obtaining the parameters from the configuration file for

each of the servers, (col. 6, lines 36-67, col. 7, lines 1-19); and configuring the load

balancer to dispatch client requests to the servers based on an algorithm using the

parameters, (col. 6, lines 36-67, col. 7, lines 1-19).

Although Colby shows substantial features of the claimed invention, Colby fails to

expressly disclose: the configuration file created by a server manufacturer.

Nevertheless, configuration files created by server manufacturers were well

known in the art at the time of the present invention. In a similar field of endeavor,

Reichmeyer discloses: configuration files created by server manufacturers, (col. 3, lines

7-29).

Thus, it would have been obvious to a person of ordinary skill in the art to modify

the teachings of Colby to show the configuration file created by a server manufacturer.

This would have advantageously eliminated the need for an operator of the load

balancer to enter configuration information, and further, the operator of the load

balancer would not need in-depth knowledge in order to properly configure the load

balancer, (Reichmeyer, col. 3, lines 13-20).

6. In considering claims 3 and 11, it is implicit in the teachings of Colby that each of the configuration files has a file path and name in accordance with a standard file path and naming protocol. See col. 6, lines 36-67, col. 7, lines 1-19.

7. In considering claim 4, Colby teaches the parameters comprising at least a health URL and content-based routing rules. See col. 6, lines 36-67, col. 7, lines 1-19.

8. In considering claim 5, it is implicit in the teachings of Colby that the content-based routing rules comprise a URL mask. See col. 6, lines 36-67, col. 7, lines 1-19.

9. In considering claim 8, Colby teaches the plurality of servers comprising a server farm coupled to receive client requests via the Internet. See col. 3, lines 36-45.

10. In considering claim 9, Colby teaches the configuration file being an HTML file. See col. 1, lines 59-65.

11. In considering claim 14, Colby teaches initializing the load balancer by manually inputting the address information of each one of said plurality of servers, (col. 6, lines 42-63); polling each one of said plurality of servers for said configuration file pertaining to each of said servers, (col. 6, line 64-col. 7, line19); validating each of said configuration files, (col. 6, line 64-col. 7, line19); and configuring the load balancing

algorithm based on said parameters in said configuration files, (col. 6, line 42-col. 7, line 19).

12. In considering claim 15, the teachings of Reichmeyer provide a means for the storing in a local memory a configuration file comprising storing in a server local memory a configuration file, (col. 3, lines 7-29). One of ordinary skill in the art would combine the teachings of Colby with Reichmeyer for reasons previously indicated in considering claim 1.

13. Claims 6, 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Colby in view of the Applicants Admitted Prior Art (AAPA).

14. In considering claim 6, although Colby shows substantial features of the claimed invention, Colby fails to expressly disclose: The parameters comprising time-of-day rules.

Nevertheless, time-of-day-rules were well known in the art at the time of the present invention. This is denoted by the Applicant in the Applicant's discussion of the prior art on page 7, lines 1-13.

Thus, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Colby to show the parameters comprising time-of-day rules. This would have provided the load balancer with necessary information needed to perform load balancing efficiently.

15. In considering claim 13, although Colby shows substantial features of the claimed invention, Colby fails to expressly disclose: the parameters comprising session affinity rules.

Nevertheless, session affinity rules were well known in the art at the time of the present invention. This is indicated in the Applicant's discussion of the prior art on page 7, lines 14-21.

Thus, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Colby to show the parameters comprising session affinity rules. This would have provided the load balancer with necessary information needed to perform load balancing efficiently, by associating multiple client requests from a single client to a single Web site with each other.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Hassan Phillips whose telephone number is (571)

272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

HP/
5/10/06

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER